

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MEDICURE INTERNATIONAL, INC.,)	
)	
Plaintiff,)	
)	C.A. No. 2:18-cv-16246-KM-MAH
v.)	
)	<i>Document Filed Electronically</i>
GLAND PHARMA LTD.,)	
)	
Defendant.)	

CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION

This action for patent infringement having been brought by Plaintiff Medisure International, Inc. (“Plaintiff”) against Defendant Gland Pharma Ltd. (“Defendant”) for infringement of United States Patent No. 6,770,660 (the “Litigated Patent”) by the product described in Gland’s ANDA No. 206888 (the “Gland Product”);

Plaintiff and Defendant have agreed to settle all claims arising out of the pleadings in this action and now consent to this Judgment and Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. For purposes of the above captioned action, this Court has jurisdiction over the parties and subject matter of this action.
2. Claim 1-5 of the Litigated Patent are valid and enforceable in all respects.
3. All affirmative defenses, claims and counterclaims, which have been or could have been raised by Defendant in this action with respect to the validity or enforceability of the Litigated Patent, are dismissed with prejudice.
4. Defendant would infringe claims 1-5 of the Litigated Patent by making, selling, offering to sell, importing and/or using the Gland Product.

5. Judgment on the basis of infringement by Defendant of claims 1-5 of the Litigated Patent with respect to the Gland Product is entered in favor of Plaintiff.

6. Defendant is hereby enjoined and estopped during the term of the Litigated Patent, from making any challenge to the validity or enforceability of the Litigated Patent, or asserting that the Gland Product does not infringe claims 1-5 of the Litigated Patent.

7. Except as authorized or licensed by Plaintiff, Defendant and its officers, agents, servants, employees, affiliates, successors and all persons in active concert or participation with Defendant, are permanently enjoined from using, offering for sale, making, selling, or manufacturing in the United States, or importing into the United States, the Gland Product or inducing or assisting others to use, offer for sale, make, sell, or manufacture in the United States, or import into the United States, the Gland Product.

8. The foregoing injunctions against Gland shall take effect immediately upon entry of this Judgment and Order by the Court, and shall continue until the expiration of the Litigated Patent.

9. Any Protective Order entered by the Court in this action shall remain in full force and effect notwithstanding the conclusion of this action.

10. The parties waive all right to appeal from this Judgment and Order.

11. Each party is to bear its own costs, expenses, and attorneys' fees.

12. Nothing herein shall prohibit or restrict Defendant from maintaining or filing Paragraph IV certifications in Gland's ANDA No. 206888 under 21 U.S.C.

§ 355(j)(2)(A)(vii)(IV) (as amended or supplemented) and nothing herein shall prohibit or restrict the Food and Drug Administration from reviewing or approving Gland's ANDA No. 206888.

Respectfully submitted,

Dated: August 21, 2019

By: /s/ Arnold B. Calmann

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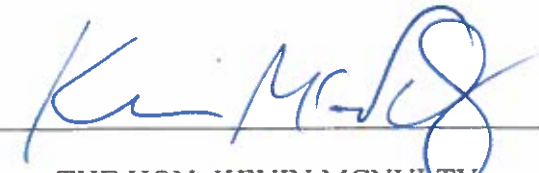
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SO ORDERED

Dated: 8/22/19



THE HON. KEVIN MCNULTY
UNITED STATES DISTRICT JUDGE